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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,054	06/24/2004	Migaku Suzuki	930055-2029	9171
7590 Ronald R Santucci Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
			EXAMINER ANDERSON, CATHARINE L	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 06/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/500,054

Applicant(s)

SUZUKI ET AL.

Examiner

Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 April 2008 has been entered.

### ***Specification***

2. The amendment filed 14 April 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: All cross sections of the trap portion having the absorptive body is not supported by the present specification. The limitation is considered to claim that at any point of the trap portion, a cross-sectional view will include at least a portion of the absorptive body. Since there are an infinite number of cross-sections of the trap portion, not every one will include the absorptive body. For example, a cross-section of the trap portion show in Figure 15 of the present specification along the sealed edge 16 will not include any of the absorptive body 12. Therefore, not all cross sections of the trap portion have the absorptive body, as claimed, and the claimed limitation is considered to be new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. All cross sections of the trap portion having the absorptive body is not supported by the present specification. The limitation is considered to claim that at any point of the trap portion, a cross-sectional view will include at least a portion of the absorptive body. Since there are an infinite number of cross-sections of the trap portion, not every one will include the absorptive body. For example, a cross-section of the trap portion show in Figure 15 of the present specification along the sealed edge 16 will not include any of the absorptive body 12. Therefore, not all cross sections of the trap portion have the absorptive body, as claimed, and the claimed limitation is considered to be new matter.

***Response to Amendment***

5. The amendment filed 14 April 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: All cross

sections of the trap portion having the absorptive body is not supported by the present specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Response to Arguments***

6. Applicant's arguments filed 14 April 2008 have been fully considered but they are not persuasive.

7. In response to the applicant's argument that Wada discloses an area (region 7) in which no absorbent product is present, it is noted that even in cross-sectional views showing the region 7 that is free of absorbent product, such as figure 4, there is still absorbent product 3b present in the cross section.

8. In response to the applicant's argument that Wada fails to disclose a guiding sheet different from the backup sheet and the absorptive body, it is noted that the guiding member 9, as shown in figure 3, further comprises the liquid permeable sheet 3a, which is different from the backup sheet 2 and the absorptive body 3b.

***Claim Rejections - 35 USC § 102***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claim 1-17, 20-22, and 36 rejected under 35 U.S.C. 102(e) as being anticipated by Wada et al. (6,416,500).

11. Wada discloses an absorptive product comprising an absorptive body 3b, as shown in figure 1, and a liquid impermeable trap portion 1. The absorptive body 3b overlaps the trap portion, as shown in figure 1, and is held within a pocket S within the

trap portion, as shown in figure 3. The trap portion 1 is formed of a backup sheet 2. A cross-section of the trap portion 1 comprises the absorbent body 3b, as shown in figure 3.

12. With respect to claim 2, the trap portion 1 is formed of a liquid impermeable sheet, as disclosed in column 3, lines 24-25, which overlaps the absorptive body 3b, as shown in figure 1.

13. With respect to claim 3, the trap portion comprises two layers 2, as shown in figure 3, which are a backup sheet and an impermeable trap sheet, and further comprises an opening 4.

14. With respect to claims 4 and 5, the opening 4 extends in both the longitudinal and width directions of the absorptive body 3b, as shown in figure 8.

15. With respect to claim 6, the absorptive body 3b is located on either side of the opening 4, as shown in figure 1, and therefore straddles the opening.

16. With respect to claim 7, the absorptive body 3b has a continuous aperture 11, as shown in figure 5.

17. With respect to claim 8, the sheet 2 has a pair of flaps f3 and f4, as shown in figure 3, which form the trap portion.

18. With respect to claim 9, the trap portion 1, made up of sheets 2, is positioned on both of the width-directional sides of the absorptive body 3b, as shown in figure 3.

19. With respect to claim 10, a guiding member 9 provides a groove for guiding liquid to the absorptive body 3b, as shown in figure 3.

20. With respect to claim 11, the trap portion is formed from a liquid impermeable sheet 2, as disclosed in column 3, lines 24-25, and has a penis-guiding section 4.
21. With respect to claim 12-14 and 21, the trap portion comprises two layers 2, as shown in figure 3, which form an inner bag and an outer bag. The inner bag 2 has a folded portion 6 that can evaginate, as shown in figure 3.
22. With respect to claim 15, dislocation members 17 prevent the absorptive body 3b from dislocating, as shown in figure 3.
23. With respect to claim 16, a pair of elastic members 15 and 8 are provided in the right and left side edges of the sheet 2, as shown in figure 1.
24. With respect to claim 17, the absorptive body 3b has a non-woven substrate 3a and comprises multiple liquid-absorbing portions, as shown in figure 3.
25. With respect to claims 20 and 22, the methods disclosed merely claim the formation of the claimed invention. Therefore, the formation of the finished products disclosed by Wada fulfill the limitations of the claims.
26. With respect to claim 36, the pocket is formed of the backup and trap sheets 2 and a seal therebetween, as shown in figure 3.

***Claim Rejections - 35 USC § 103***

27. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
28. Claims 18-19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Kolb (4,415,643).

29. Wada discloses all aspects of the claimed invention with the exception of the absorbent body comprising 50-95% superabsorbent and having a hydrodisintegrative characteristic. Kolb teaches an absorbent body for an absorbent article comprising at least 50% superabsorbent, as disclosed in column 2, lines 40-41, which allows the absorbent body to disintegrate in water so it may be flushed, as disclosed in column 1, lines 47-58. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent article of Wada with the absorbent body of Kolb to allow the article to be flushable.

30. Claims 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. (6,416,500) in view of Cohen (5,649,913).

31. Wada discloses all aspects of the claimed invention with the exception of underpants to which the absorptive product is attached. Wada shows, in figure 6, the use of the absorptive product on a user wearing a garment. Cohen teaches the use of underpants to hold an absorptive product, as shown in figure 1. The underpants are provided with a fitting section for attachment of the absorptive product, and the opening of the absorptive product faces the inside of the underpants, as shown in figure 1. Use of the absorptive product with underpants allows the absorptive product to be securely held in place while it is worn. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorptive product of Wada in combination with the underpants of Cohen to allow allows the absorptive product to be securely held in place while it is worn.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Anderson whose telephone number is (571)272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. A./  
Examiner, Art Unit 3761  
/Tatyana Zalukaeva/  
Supervisory Patent Examiner, Art Unit 3761